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2	BRIAN J. STRETCH (CABN 163973) Chief, Criminal Division GARTH HIRE (CABN 187330) Assistant United States Attorney 1301 Clay Street, Suite 340-S Oakland, California 94612-5217 Telephone: (510) 637-3929 Facsimile: (510) 637-3724 E-Mail: Garth.Hire@usdoj.gov Attorneys for Plaintiff		
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9	Attorneys for Framitin		
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12	OAKLAND DIVISION		
13	UNITED STATES OF AMERICA,) No. CR 09-00070 SBA		
14	Plaintiff,) STIPULATION AND ORDER CONTINUING STATUS CONFERENCE		
15	v.) AND EXCLUDING TIME		
16	JEROME TOY SINCLAIR,		
17	Defendants.		
18			
19	Plaintiff, by and through its attorney of record, and defendant, by and through his		
20	attorney of record, hereby stipulate and ask the Court to find as follows:		
21	1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday,		
22	October 27, 2009.		
23	2. The parties request that this hearing be continued until 9 a.m. on Tuesday,		
24	November 17, 2009, in order to provide defendant's counsel with additional time to evaluate the		
25	evidence in this case and determine whether or not defendant should enter a change of plea or		
26	file motions and to prepare for trial in this matter.		
27			
28			
	STIPULATION AND ORDER RESCHEDULING HEARING; EXCLUDING TIME		

- 3. Specifically, defendant's counsel needs the continuance in order to review discovery with defendant, particularly additional discovery to be produced by the government regarding laboratory results, investigate the case, and develop a motions and/or trial strategy in light of the discovery. The parties believe that failure to grant the above-requested continuance would deny defendant's counsel and defendant the reasonable time necessary for effective preparation taking into account the exercise of due diligence and that the ends of justice served by continuing the case as requested outweigh the interest of the public and defendant in a trial within the date prescribed by the Speedy Trial Act.
- 4. Thus, the parties respectfully request that the Court find that the time period from October 27, 2009, to November 17, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

5	IT IS SO STIPULATED.	
7		JOSEPH P. RUSSONIELLO United States Attorney
3		Sinted States Theorney
9	Dated: October 23, 2009	/s/ GARTH HIRE
)		Assistant United States Attorney
L		Attorney for United States of America
2	Dated: October 23, 2009	/s/
3	Dated. October 23, 2007	JOYCE LEAVITT
1		Attorney for Defendant

Jerome Toy Sinclair

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

- 1. The currently scheduled October 27, 2009, status conference hearing is vacated. A status conference hearing is now scheduled for 9:00 a.m. on November 17, 2009.
- 2. The time period from October 27, 2009, to November 17, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 10/26/09

UNITED STATES DISTRICT JUDGE